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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,599	05/04/2005	Luis Carlos Sernan-Dez Arppe	P/189-375	7504
2352 7590 03/21/2008 OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403				
EXAMINER				
KARIKARI, KWASI				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
03/21/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. This Advisory Action is in response to the Amendment After-Final filed 02/22/2008.

Claims 1-24 are currently pending in the application.

Response to Arguments

2. Applicant's arguments filed 02/22/2008 have been fully considered but they are not persuasive.

3. Rejection of Claims 1-24 under 35 U.S.C. § 112, First Paragraph

Claims 1-24 are rejected under 35 U.S.C. § 112, first paragraph, on the ground that the written description requirement is not satisfied because the phrase "wherein the short message is sent based on the determined identity of the home mobile telephony network" in claims 1 and 11 is not fully supported by Applicant's disclosure. The applicant has failed to provide the examiner with the cited paragraph(s) where such claimed limitations originate. Appropriate disclosure and corrections are required.

4. Rejection of Claims 1-23 under 35 U.S.C. § 103

a. In the remarks, the Applicant argues that the combination of Gibson, Raviv and Pirkola fails to teach the claimed limitation;

[“determining the identity of the home mobile telephony network based on the International Mobile Subscriber Identity of the visiting subscriber; and sending a short message

with a error notification to the visiting subscriber if said dialed number complies with at least one predetermined error criterion, wherein the short message is sent based on the determined identity of the home mobile telephony network"], (see claim 1 and 11).

However, the Examiner respectfully disagrees with such an assertion. See below for further clarification.

Gibson discloses an error notification system for local, regional, national and international network including fax and voice messaging facilities GIRAFF 220 and DISC 130 which operate to inform customer of a dialing error has occurred, see col. 4, lines 6-45 and Fig. 1); users 100 at a particular area make particular dialing errors (see col. 9, lines 1-12); a monitoring of the call/dial is done to determine whether a valid destination has been specified (see col. 6, lines 14-63); the GIRAFF analyzes dialing error, see col. 6, lines 14-63); the DISC 130 also receives international traffic; and the CLI capture facility operates to identify the identity of the number dialed by user 100 (see col. 4, lines 45-58); international access code or country code is check if incorrect; and an announcement informing customer that error has occurred, see col. 4, lines 33-45; col. 6, line 14- col. 7, line 53 and Fig. 4, steps 425 and 435); and finally, the CLI capture facility operates to identify the identity of the number dialed by user 100; and sends a fax message to user 100 (see col. 4, lines 45-58; col. 5, lines 21-27).

However, Gibson fails specifically to teach that the user 100 is "a visiting subscriber" in a "visited network"; the fax message sent to the user 100 is "short message"; and the identity of the user 100 is based on the International Mobile Subscriber Identity (IMSI) of the visiting subscriber.

Raviv teaches a visiting subscriber (WAP phone 210), a visited network (= VPLMN, see Pars. 0274-76); short message service (see Pars. 0243, 0290-92) and Figs. 1 & 2) and MSISDN; see Par. 0245).

The combination of Gibson and Raviv also fails specifically to mention that such identification information includes International Mobile Subscriber Identity, IMSI.

Pirkola, however discloses a roaming communication system that a mobile terminal is identify and associated to network by identification information such MSISDN and IMSI (see col. 4, lines 10-33 and Fig. 11).

b. The Applicant also argues that the combination of Gibson, Raviv and Pirkola is not proper because there is no suggestion to combine such references, however the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992) and (Anderson's Black Rock Inc. v. Pavement Salvage Co.); (KRS Ruling. Requirement A.) In this case, both Gibson, Raviv and Pirkola are analogous arts that teach call control and delivery in a wireless communication system.

c. Regarding claim 4,13 and 17, the Applicant mentions that claim 4 and 17 require a apparatus for selecting text message base on the identity of the home network; and claim 13 requires the determination whether the visiting subscriber has the right to use

the error notification service. The Applicant therefore argues that combination of Gibson, Raviv and Pirkola, as recited in claims 1 and 11, fails to teach the above claim requirement.

As mentioned in the response to claims 1 and 11 above, it is clearly shown that the combination of Gibson, Raviv and Pirkola teaches such claimed limitations in claims 4,13 and 17.

Raviv, for example teaches a visiting subscriber (WAP phone 210), a visited network (= VPLMN, see Pars. 0274-76); **short message service** (see Pars. 0243, 0290-92) and Figs. 1 & 2) and MSISDN; see Par. 0245).

Furthermore, Gibson mentions that the communication network operates to advise **customers** that a **dialing error has occurred** in the call that **the customer** is attempting to establish (see col. 4, lines 7-11). Such a teaching inherently suggest a subscription (" the right to use") of the dialling error notification, as mentioned in claim 13.

5. Rejection of Claim 24 under 35 U.S.C. § 103

Regarding claim 24, the Applicant argues that Lohtia fails to cure the deficiency of Gibson, Raviv and Pirkola.

However, the Examiner maintains that the combination of Gibson, Raviv and Pirkola teaches the claimed limitations in claim 11, therefore the combination of Gibson, Raviv, Pirkola and Lohtia is proper.

In view of the above remarks/clarifications, the final rejection using Gibson, Raviv, Pirkola and Lohtia are proper and maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwasi Karikari whose telephone number is 571-272-8566. The examiner can normally be reached on M-F (8 am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8566. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kwasi Karikari
Patent Examiner.
03/14/2008

/Charles N. Appiah/

Supervisory Patent Examiner, Art Unit 2617

